

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Kevin D. Hall

v.

Civil No. 08-cv-352-PB

State of New Hampshire

REPORT AND RECOMMENDATION

Pro se petitioner Kevin Hall has filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging his Keene District Court conviction on phone harassment charges (document no. 1). The petition initially came before me for preliminary review to determine whether or not the claims raised in the petition are facially valid and may proceed. See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("§ 2254 Rules"); see also United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(2) (authorizing magistrate judge to preliminarily review pro se prisoner filings pursuant to 28 U.S.C. § 1915A).

On December 1, 2008, I issued an Order directing Hall to amend his petition to demonstrate that the claims therein had been fully exhausted in the state courts. Hall has not filed a

response to my Order.¹ Hall has not, therefore, demonstrated that the claims in his petition have been exhausted.

Accordingly, I recommend that this matter be dismissed without prejudice to the refiling of a timely petition upon completion of exhaustion in the state courts.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: April 29, 2009

cc: Kevin D. Hall, pro se

¹Hall's December 22, 2008 letter to the court stating that he would be on "mental leave" until January 6, 2009, and his February 22, 2008 letter to the Court indicating that he would be on "mental vacation" until April 15, 2009, do not suffice as motions to extend Hall's January 5, 2009 deadline to file his response to my December 1 Order.